

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

*In Re:* ) Chapter 7  
 ) Bankruptcy No. 08 B 01697  
MAURO'S CONCRETE SPECIALISTS, INC., ) Judge Manuel Barbosa  
 ) Hearing Date: April 2, 2009  
Debtor(s). ) 10:00 a.m., Geneva, IL

**NOTICE OF MOTION**

TO: Mauro's Concrete Specialists, Inc.	Neal Gainsberg	Roman Sukley
1355 N. Randall Rd.	Attorney for Debtor	Office of U.S. Trustee
Aurora, IL 60506	120 W. Madison St.	219 S. Dearborn, #873
	Ste. 520	Chicago, IL 60606
	Chicago, IL 60602	

**YOU ARE HEREBY NOTIFIED** that on Thursday, April 2, 2009, at the opening of Court at 10:00 a.m. on said day, or as soon thereafter as Counsel may be heard, the undersigned, Charles J. Myler, Myler, Ruddy & McTavish will appear before Bankruptcy Judge Manuel Barbosa, or such other Judge as may be holding Court in his absence, in Courtroom 140 at the Geneva Courthouse, 100 South Third Street, Geneva, Illinois, and then and there present a **Motion to Reopen Case**, a copy of which is attached hereto, at which time you may appear and be heard if you so deem fit.

DATED this 25<sup>th</sup> day of March, 2009.

/s/ Charles J. Myler  
Charles J. Myler

**CERTIFICATE OF SERVICE**

**CHARLES J. MYLER**, an attorney, certifies that he served the above and foregoing **Notice of Motion** and **Motion** by electronic filing or by depositing in the United States Mail at Aurora, Illinois, a true and correct copy thereof in a sealed envelope, first class postage prepaid, addressed to those parties set forth herein, on March 25, 2009.

/s/ Charles J. Myler  
Charles J. Myler

Charles J. Myler, ARDC #2008602  
Richard G. Larsen, ARDC #6193054  
**MYLER, RUDDY & MCTAVISH**  
105 East Galena Blvd., 8<sup>th</sup> Floor  
Aurora, Illinois 60505  
(630) 897-8475  
(630) 897-8076 (fax)

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**TRUSTEE'S MOTION TO REOPEN CASE  
FOR THE PURPOSE OF FILING FINAL REPORT**

NOW COMES the trustee, Charles J. Myler, by his attorneys, Charles J. Myler, Richard G. Larsen, and Myler, Ruddy & McTavish, and for his motion to reopen debtor's Chapter 7 bankruptcy case states as follows:

1. The debtor, Mauro's Concrete Specialists, Inc., filed its Chapter 7 bankruptcy on January 25, 2008.

2. The trustee reviewed debtor's assets at the §341 meeting of the debtor and based upon information in the schedules and examination of the debtor determined that preferential transfers may have occurred and equipment and vehicles owned by the debtor may have some value. Trustee filed an Asset Report and hired an auctioneer to sell the equipment and vehicles. Upon further investigation, it was determined that those preferential transfers were not recoverable and that the equipment and vehicles had negligible value. Trustee then filed a No Asset Report. At a later date, Trustee was informed by the auctioneer that he had indeed sold two vehicles. Trustee then withdrew the No Asset Report. Proceeds of the sale of the two vehicles were deposited in the bankruptcy estate account. Trustee has completed administration of the estate and is prepared to file a final report. By reason of the foregoing, this case should be reopened in order to allow the filing of a final report.

3. Notice of this motion has been sent to the debtor, debtor's attorney, and the Office of the U.S. Trustee. Bankruptcy Rule 5010 states that a trustee shall not be appointed by the U.S. Trustee unless the court determines that a trustee is necessary to protect the interest of creditors and the debtor or to insure efficient administration of the case. Based upon the foregoing facts set forth in

this motion, movant respectfully states that it appears that the reappointment of the trustee is necessary.

WHEREFORE, trustee prays that this Chapter 7 bankruptcy case be reopened solely for the purpose of filing the final report, that the trustee, Charles J. Myler, be reappointed in order to file said report, and for such other relief as the court deems fit.

/s/ Charles J. Myler  
Charles J. Myler, Trustee

Charles J. Myler, ARDC #2008602  
Richard G. Larsen, ARDC #6193054  
**MYLER, RUDDY & MCTAVISH**  
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